

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

**FORTY-FOURTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 23, 2010**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Stephen Grammer, Page.

Approval of Journal

February 23, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-third Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

February 22, 2010

Mr. Speaker:

I transmit herewith enrolled [S 1302](#) and [S 1307](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled [S 1302](#) and [S 1307](#) and, when so signed, ordered them returned to the Senate.

February 22, 2010

Mr. Speaker:

I transmit herewith [SCR 119](#), [SJM 104](#), [S 1339](#), [S 1319](#), [S 1324](#), and [S 1327](#) which have passed the Senate.

WOOD, Secretary

[SCR 119](#), [SJM 104](#), [S 1339](#), [S 1319](#), [S 1324](#), and [S 1327](#) were filed for first reading.

Report of Standing Committees

February 23, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 590](#), [H 591](#), [H 592](#), [H 593](#), and [H 594](#).

CLARK, Chairman

[H 590](#) and [H 591](#) were referred to the Environment, Energy, and Technology Committee.

[H 592](#) and [H 594](#) were referred to the State Affairs Committee.

[H 593](#) was referred to the Judiciary, Rules, and Administration Committee.

February 23, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [HCR 38](#), [HJM 10](#), [H 451](#), [H 452](#), [H 453](#), and [H 390](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [HCR 38](#), [HJM 10](#), [H 451](#), [H 452](#), [H 453](#), and [H 390](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 23, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 384](#), [H 385](#), and [H 397](#) to the Governor at 1:40 p.m., as of this date, February 22, 2010.

CLARK, Chairman

February 22, 2010

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [HJR 7](#) and recommend that it do pass.

LOERTSCHER, Chairman

[HJR 7](#) was filed for second reading.

February 22, 2010

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 481](#), [H 482](#), and [H 483](#) and recommend that they do pass.

BLOCK, Chairman

[H 481](#), [H 482](#), and [H 483](#) were filed for second reading.

February 22, 2010

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 480](#) and report it back with amendments attached to be placed on General Orders for consideration.

BLOCK, Chairman

[H 480](#) was placed on General Orders for consideration.

February 22, 2010

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 576](#) and recommend that it do pass.

TRAIL, Chairman

[H 576](#) was filed for second reading.

February 22, 2010

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 540](#) and [H 542](#) and recommend that they do pass.

WOOD, Chairman

[H 540](#) and [H 542](#) were filed for second reading.

February 23, 2010

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 492](#), [H 496](#), and [H 522](#) and recommend that they do pass.

LOERTSCHER, Chairman

[H 492](#), [H 496](#), and [H 522](#) were filed for second reading.

February 23, 2010

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 579](#) and recommend that it do pass.

NONINI, Chairman

[H 579](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

[SCR 119](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[SJM 104](#), by Agricultural Affairs Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 595 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAX NET OPERATING LOSS; AMENDING SECTION 63-3021, IDAHO CODE, TO PROVIDE FOR APPLICATION OF A THEFT LOSS FROM A FRAUDULENT INVESTMENT ARRANGEMENT ALLOWABLE AS A DEDUCTION UNDER SECTION 165(c)(2) OF THE INTERNAL REVENUE CODE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 596 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO COLLEGE AND UNIVERSITY IMPROVEMENTS; AMENDING SECTION 63-301A, IDAHO CODE, TO PROVIDE THAT CERTAIN IMPROVEMENTS ON STATE COLLEGE OR STATE UNIVERSITY LANDS MAY BE INCLUDED ON THE NEW CONSTRUCTION ROLL; AMENDING SECTION 63-602E, IDAHO CODE, TO PROVIDE THAT CERTAIN IMPROVEMENTS ON STATE COLLEGE OR STATE UNIVERSITY OWNED LAND SHALL BE EXEMPT FROM TAXATION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 597 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3029F, IDAHO CODE, TO REVISE THE SPECIAL INCOME TAX CREDIT AVAILABLE FOR NEW EMPLOYEES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

[H 595](#), [H 596](#), and [H 597](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1339](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

[S 1319](#), by Local Government and Taxation Committee, was introduced, read the first time by title, and referred to the Revenue and Taxation Committee.

[S 1324](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

[S 1327](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 525](#), by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [SP 102](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[SP 102](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall [SP 102](#) be adopted?"

Whereupon the Speaker declared [SP 102](#) adopted by voice vote and ordered the proclamation returned to the Senate.

[HJM 11](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Anderson to open debate.

The question being, "Shall [HJM 11](#) be adopted?"

Whereupon the Speaker declared [HJM 11](#) adopted by voice vote and ordered the memorial transmitted to the Senate.

[H 477](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [H 477](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon(Sims), Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Mathews, McGeachin, Moyle, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 63.

NAYS – Barrett, Harwood, Marriott, Nielsen, Shepherd(08), Thayne, Wood(35). Total – 7.

Total – 70.

Whereupon the Speaker declared that [H 477](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 484](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gibbs to open debate.

The question being, "Shall [H 484](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon(Sims), Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [H 484](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 494](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall [H 494](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon(Sims), Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Hagedorn, Kren. Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 494](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[S 1297](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall [S 1297](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon(Sims), Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Kren. Total – 1.

Total – 70.

Whereupon the Speaker declared that [S 1297](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[H 446](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Higgins to open debate.

The question being, "Shall [H 446](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon(Sims), Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [H 446](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HJR 4](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

Pursuant to Rule 38(3), Mr. Wood(27) disclosed a conflict of interest regarding [HJR 4](#).

Pursuant to Rule 38(3), Mr. Bilbao disclosed a conflict of interest regarding [HJR 4](#).

The question being, "Shall [HJR 4](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon(Sims), Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Mathews, McGeachin, Moyle, Nielsen, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Bayer, Hartgen, Marriott, Nonini, Palmer. Total – 5.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, [HJR 4](#) passed the House. Title was approved and the resolution ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Wednesday, February 24, 2010. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:09 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk